

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1100 of 2000

to

FIRST APPEAL No 1111 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SPL.LAQ OFFICER

Versus

SUTHAR KHODABHAI SENDHABHAI

Appearance:

MR ND GOHIL, AGP for Appellants

MR AJ PATEL for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.C.PATEL

Date of decision: 19/12/2000

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Appeals admitted. Mr. A.J. Patel appears for the respondents - original claimants and waives service of notice of the Appeal.

2. On a joint request of the learned counsel for the respective parties, these Appeals are taken up for final hearing today.

3. These are Appeals under Section 54 of the Land Acquisition Act read with Section 96 of the Civil Procedure Code at the instance of the State and the acquiring body, challenging the common judgment and awards passed by the Reference Court under Section 18 of the said Act.

4. The lands in question were acquired for the Narmada Canal Project under Section 4 Notification dated 19th May, 1990. The lands in question were situated in village Serisa, Taluka Kalol, District Mehsana. The Reference Court has valued the acquired lands at Rs.48/- per sq. mtr. and has granted other statutory allowances contemplated by the said Act. It is these common judgment and awards which are the subject matter of the present Appeals.

5. As a result of the hearing and discussion, our attention has been drawn by the learned counsel for the respective parties, to two earlier decisions of this very Bench, rendered earlier today in (i) First Appeal No.570 of 2000 upto 578 of 2000 and (ii) First Appeal No.1947 of 2000 upto 1958 of 2000, whereby the lands acquired for the same project and from the very same village namely, Serisa have been valued by this Bench at Rs.48/- per sq. mtr. It is also conceded by the learned counsel for the respective parties that the Notification in the instant case being 19th May, 1990, and the Notification in the aforesaid decisions is of identical date.

6. Accordingly, we hold and find that the valuation of the acquired lands in the instant group of cases at Rs.48/- per sq. mtr. is eminently justified and consequently the same deserves to be confirmed. Consequently, these Appeals require to be dismissed. Accordingly, these Appeals are dismissed with no orders as to costs.

